



PATENT
ATTORNEY DOCKET NO. 060326-5005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Katsutoshi NAGI et al.) Confirmation No. 1232
Application No.: 10/089,937) Group Art Unit: 2876
Filed: April 5, 2002) Examiner: Allyson N. Sanders
For: COMMUNICATION DEVICE)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

RESPONSE TRANSMITTAL FORM

1. Transmitted herewith is a Request for Reconsideration in response to the Office Action dated September 10, 2003 (Paper No. 6).
2. Additional papers enclosed:

- Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent
 Drawings: Formal Informal (Correction)
 Information Disclosure Statement
 Form PTO-1449, _____ references included
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$ 0.00.

If an additional extension of time is required, please consider this a Petition therefor.

- An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

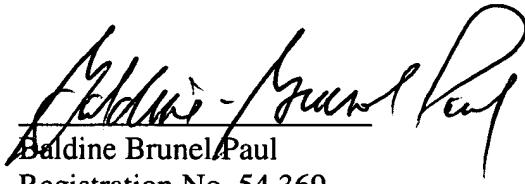
5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	15	minus	20	0	x \$18 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$86 each=	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- No fee is to be paid at this time.
- The Commissioner is hereby authorized to charge the fee of \$0.00 to Deposit Account No. 50-0310.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,

MORGAN, LEWIS & BOCKIUS LLP


Baldine Brunel-Paul
Registration No. 54,369

Dated: December 10, 2003

By:

Customer No. 09629

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Sir:

RESPONSE AND REQUEST FOR RECONSIDERATION

In response to the Office Action dated September 10, 2003 (Paper No. 6), the period for response to which extends through December 10, 2003, reconsideration and withdrawal of the rejections set forth in the pending Office Action are respectfully requested.

Summary of the Office Action

In the Office Action dated September 10, 2003, claims 1, 4, 6, 8, 11 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,710,458 to Iwasaki (hereinafter "Iwasaki"). Claims 2 and 9 stand rejected under 35 U.S.C. § 103(a) as being

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unpatentable over Iwasaki in view of U.S. Patent No. 6,607,134 B1 to Bard et al. (hereinafter “Bard”).

Summary of the Response to the Office Action

Applicants respectfully traverse these rejections and the Office Action’s interpretation of the applied references, and respectfully request reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Applicants thank the Examiner for the indication of allowable subject matter in claims 3, 5, 7, 10, 12, 14 and 15.

All Claims Comply with 35 U.S.C. § 103(a)

Claims 1, 4, 6, 8, 11 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Iwasaki. Claims 2 and 9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Iwasaki in view of Bard. Applicants respectfully traverse these rejections and the Office Action’s interpretation of the applied references for the following reasons.

Applicants respectfully submit that, in the instant communication device as recited in independent claim 1, the antenna is enclosed in a second shielding member. A portion of the second shielding member facing the front face of the antenna is formed of a material that attenuates radio waves in a predetermined frequency band. This arrangement makes it possible to reduce unnecessary electromagnetic emissions from the antenna.

Applicants also respectfully submit that, in the instant communication device as recited in independent claim 8, the antenna and other electric circuits are separately enclosed in shielding members. The shielding members are formed of a material that shuts off, reflects or absorbs

radio waves, and an opening is formed in a portion of the shielding members facing the front face of the antenna. This arrangement makes it possible to reduce unnecessary electromagnetic emissions from the antenna.

In contrast to the present invention, the semiconductor package disclosed by Iwasaki has a loop antenna which is not enclosed in a shielding member. Accordingly, the semiconductor package of Iwasaki cannot reduce unnecessary electromagnetic emission from the loop antenna. Thus, Applicants respectfully submit that the semiconductor package of Iwasaki cannot achieve satisfactory reduction of unnecessary electromagnetic emission in the manner provided by the instant invention as recited in independent claims 1 and 8.

Accordingly, Applicants respectfully submit that Iwasaki does not teach or suggests of the features of the instant invention as recited in independent claims 1 and 8. As pointed out in MPEP § 2143.03, “[to] establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” Thus, Applicants respectfully submit that independent claims 1 and 8 are in condition for allowance as not being anticipated by Iwasaki.

Applicants respectfully submit that claims 2, 4, 6, 9, 11 and 13 are allowable for at least the same reasons as set forth above with regard to independent claims 1 and 8 upon which they depend, respectively, and for the additional features they each recite. Applicants respectfully submit that with regard to the 35 U.S.C. § 103(a) rejection of claims 2 and 9 based upon Iwasaki in view of Bard, Bard fails to cure the deficiencies of Iwasaki. Accordingly, Applicants respectfully request that the rejections of claims 1-2, 4, 6, 8-9, 11 and 13 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of all rejections and objections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:


Baldine Brunel Paul
Registration No. 54,369

Dated: December 10, 2003

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